

Notice of Allowability

Application No.

10/053,325

Examiner

Fenn C Mathew

Applicant(s)

GREENLAND, DARRELL

Art Unit

3764

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to interview on January 3, 2005.
2. ☒ The allowed claim(s) is/are 8,15,18-20,24-26 and 28-30.
3. ☒ The drawings filed on 17 January 2002 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

EXAMINER'S AMENDMENT

1. An extension of time under 37 CFR 1.136(a) is required in order to make an examiner's amendment which places this application in condition for allowance. During a telephone conversation conducted on January 3, 2005, Mr. Donald Cislo requested an extension of time for 1 MONTH(S) and authorized the Director to charge Deposit Account No. 03-2030 the required fee of \$60.00 for this extension and authorized the following examiner's amendment. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

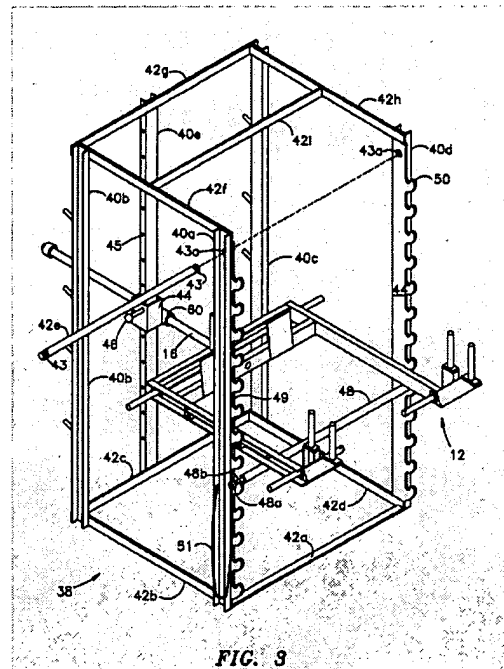
Authorization for the following amendment was given in a telephone conversation with Mr. Donald Cislo on January 3, 2005.

Please enter the after-final amendment filed 12/06/2004.

Please amend the application as follows:

- Please cancel claims 1-7, 9-14, 16-17, 21-23, and 27.

2. Claims 8, 15, 18-20, 24-26, and 28-30 are allowed. The following is an examiner's statement of reasons for allowance:

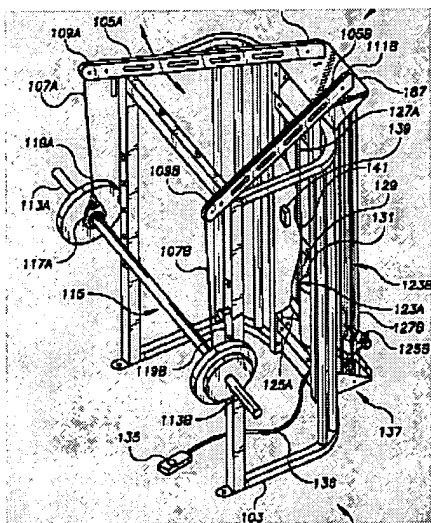


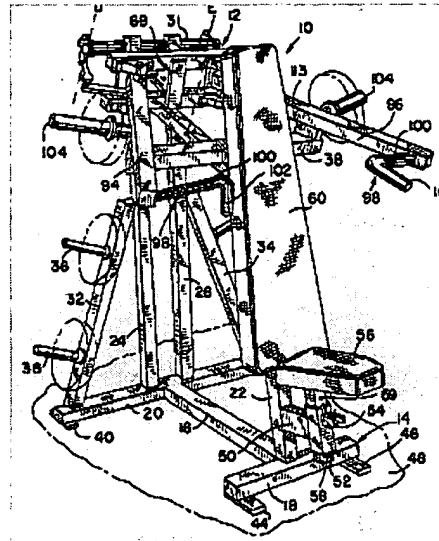
3. Einsig (U.S. 5,813,951) as pictured teaches a free weight connecting member adapted to be supported from a supporting member having a horizontal stop, the free weight connecting member being pivotally connected through a first pivot for forward and backward movement relative to the supporting member and being pivotally connectable through a second pivot to a free weight for pivotable movement thereof, the free weight connecting member being adaptable to rest upon the horizontal stop of the supporting member when the free weight connecting member is otherwise not supported whereby free weights may be attached to the free weight connecting member and supported by the supporting member until used by a weightlifter. Einsig fails to teach or make obvious a counterweight traveling through the vertical support with the counterweight defining a slot and a pin traveling through up and down the slot as the counterweight moves. Einsig also fails to teach a vertical coupling member pivotally coupled to the extending member and pivotally coupled to the free

Art Unit: 3764

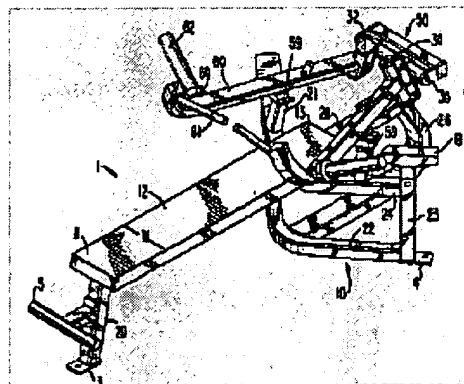
weight connecting member, the vertical coupling member pivotable in a horizontal direction whereby the free weights may be attached to the free weight connecting member and supported by the supporting member. Einsig also fails to teach a free weight clamp comprising first and second forks defining first and second parallel slots, the first fork spaced apart from and parallel to the second forks, and first and second free weight retaining members pivotably and respectively coupled to the free weight clamp generally adjacent the first and second forks as substantially claimed.

4. Slawinski et al. (U.S. 6,293,892) as pictured



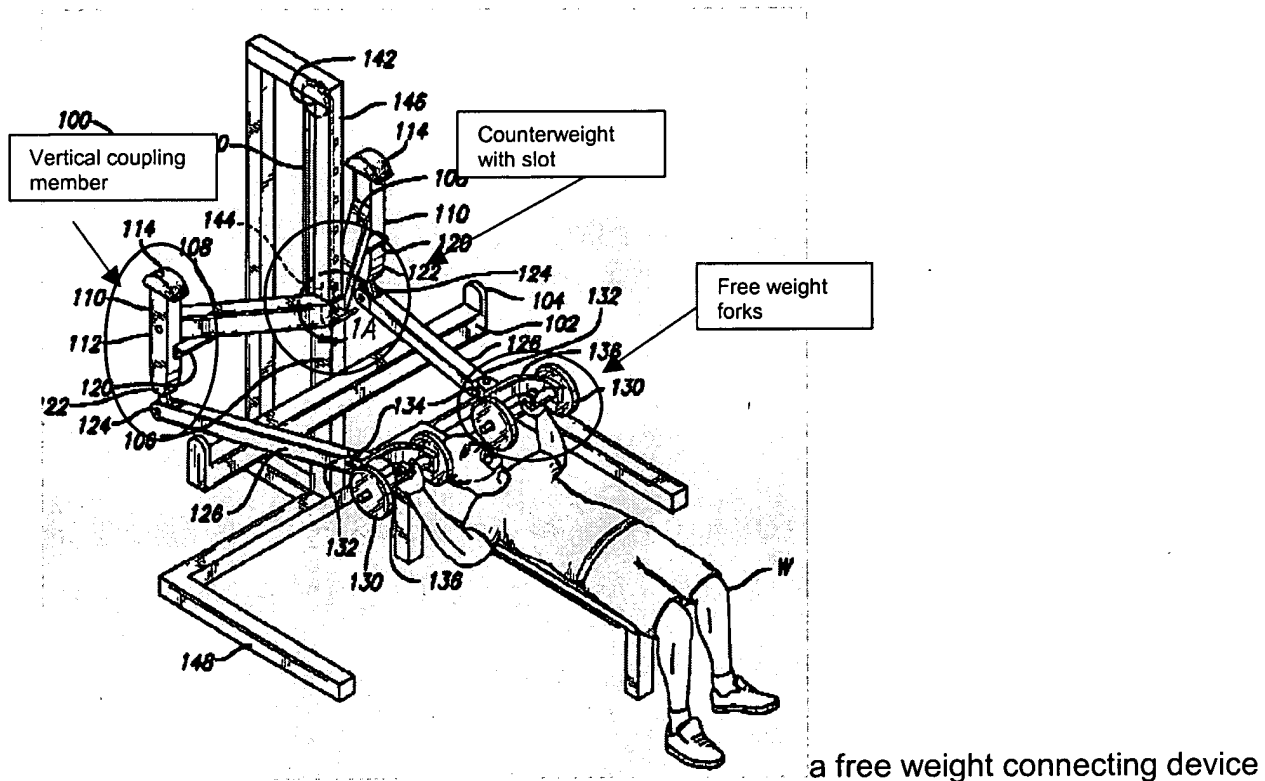


5. Ellis et al. (U.S. 5,810,701) as pictured teaches a free weight device, but fails to make up for the deficiencies listed above, and further fails to teach the free weight members pivotably connected.



6. Simonson (U.S. 5,788,614) as pictured also teaches a free weight device, but fails to make up for the deficiencies cited above.

7. The prior art of record fails to teach the claimed device, as pictured



comprising the base limitations, and further including pivotable free weight connecting members comprising first and second forks (as seen in figure 10), a vertical coupling member pivotable in a horizontal direction, and a counterweight traveling through the vertical support.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Art Unit: 3764

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fenn C Mathew whose telephone number is (571) 272-4978. The examiner can normally be reached on Monday - Friday 9:00am - 5:30pm.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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January 7, 2005


JUSTINE R. YU
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700

1/21/05